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ing chapter on the nature of the foreign relations power, in his development of the ideas of both international and constitutional understandings, and in his final chapter on the control of foreign relations in practice he has made distinct contributions to our knowledge of the subject. The history of American foreign relations cannot be understood, nor its future foreseen, by strict application of the rules of international law or of constitutional law, or of both combined. To these must be added constitutional understandings which "suggest modes of exercising powers out of respect for international responsibilities," and international understandings which "suggest a tolerant attitude toward certain deficiencies in the meeting of international responsibilities out of respect for constitutional limitations."

*Columbia University Law School.*

FREDERICK C. HICKS.

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INTERVENTION IN INTERNATIONAL LAW. By Ellery C. Stowell. Washington: John Byrne and Co. 1921. Pp. viii, 558.

The author of this book aims to set forth "the occasions when a state is justified in employing force or the menace of force to influence the conduct of another state." As a result of an extensive investigation relating to intervention, it is contended that a new rule has been formulated for international conduct, namely, that no state shall unreasonably insist upon its interests to the detriment of the opposing rights and interests of other states.

There are chapters on interposition, international police, non-interference, political action, and the rule of reason. In the main the volume deals with the grounds and justification of recourse to force in the protection of the interests of individual states and the justification or condemnation of intervention in the affairs of other states. Unfortunately, this subject which is particularly in need of elucidation is dealt with in a rather unsystematic manner. The author appears to have edited and revised a great number of extracts gathered for a source-book, and to have added periodically comments, suggestions, and criticisms of his own. For examples of continuous lists of quotations, see pages 24-31, 176-188, and 355-362. Instances of oppression, persecution, and intervention are rehearsed in some detail and often with quotations from authorities pro and con. The extensive references and citations, furnishing as they do a considerable amount of concrete material, with more careful revision, condensation, and critical analysis, might have afforded a valuable guide to the practice of nations with respect to intervention and so-called limited warfare.

Primarily, the author seems to be concerned with the establishment of a basis and a justification for intervention for the purpose of protecting the rules and principles of international law. But as each nation is permitted to decide for itself when it is proper to intervene (each nation is expected to take what action it may find justifiable and expedient to secure redress for whatever injury another may have done to it, page 46), and as there is no general agreement as to the rules and principles of international law to

be enforced, the so-called principles to serve as a guide to nations in the practice of intervention become mere platitudes or "high-sounding phrases." The vagueness and uncertainty of the rules under consideration are shown by the frequent use of such phrases as "violations of international morality," "rights of humanity," "solidarity of mankind," "humanitarian intervention," and "tribunal of reason as interpreted and supported by the consensus of opinion in a preponderating majority of the states."

It is evident that the writer is dealing with political relations and conduct which have not yet been subjected to the limitations and requirements which would dignify their regulation by the name of law. The subject of international law suffers from just such attempts to bring within its scope uncertain and ill-defined efforts to control political conduct. Not that the painstaking and systematic consideration of such subjects as intervention in relation to international law is fruitless, but rather that the attempt to bring within the compass of law such indefinable and unregulated conduct as is frequently exhibited in connection with intervention weakens respect for such portions of the field as may properly be considered as law.

What may be termed a "pious wish" that the rules and principles relating to intervention may eventually be formulated into rules of law is shared by all teachers and students of international law as well as by many diplomats and statesmen, but it is doubtful whether this wish will be hastened in its consummation by claiming that rules have been formed where there are none or where they are as yet in a quite inchoate stage.

The precept that the author claims to have first formulated—"that no state shall unreasonably insist upon its interests to the detriment of the opposing rights and interests of other states"—is like the Roman proverb that the law aims to give every man his due. The proverb evaded the real issues—what is a man's due, who shall decide as to each man's due, and when each man's lot is once determined how shall he be assured of the possession and enjoyment of that which belongs to him? What are the proper and legitimate interests of states which shall be inviolate against interference by other states, who shall determine as between conflicting interests, how shall interference with the legitimate interests of a state be prevented, and if not prevented, how can reparation be assured—these are questions which remain largely unanswered.

There is an appendix containing a critical bibliography on intervention which will be useful to those who wish to examine many authorities on this subject.

*University of Texas.*

CHARLES GROVE HAINES.

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PHILOSOPHY IN THE DEVELOPMENT OF LAW. By Pierre de Tourtoulon.

Translated by Martha McC. Read. The Modern Legal Philosophy Series, Vol. XIII. New York: The Macmillan Co. 1922. Pp. lxi, 653.

This last volume of the Legal Philosophy Series is a translation of "Les principes philosophiques de l'histoire du droit," by Professor de Tourtoulon, and the title in the original seems to indicate more accurately the scope of